

ASSEMBLY, No. 2226

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

Assemblyman ERIC HOUGHTALING

District 11 (Monmouth)

Assemblywoman JOANN DOWNEY

District 11 (Monmouth)

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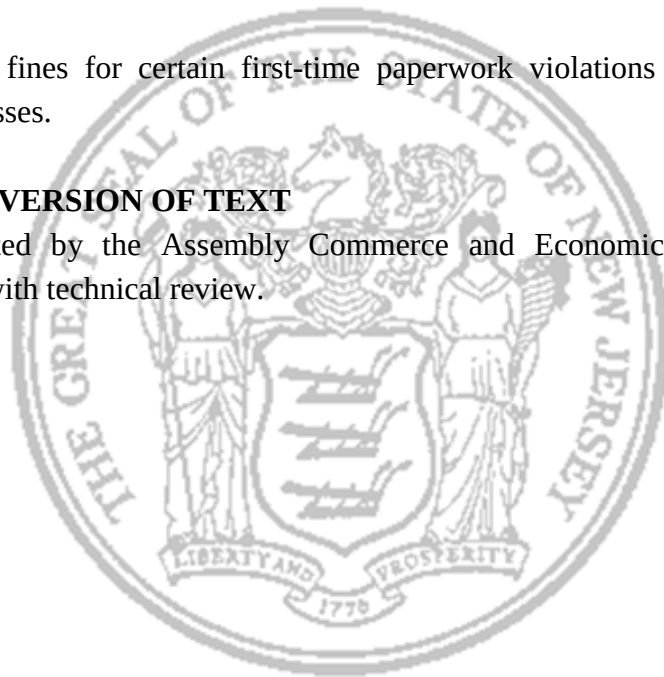
Assemblymen Rooney, Coughlin, Assemblywoman B.DeCroce, Assemblyman Webber, Assemblywoman Vainieri Huttie, Assemblymen Wirths, Space, Assemblywomen McKnight, Murphy, Mosquera, Assemblymen Auth, Karabinchak, Assemblywoman Jimenez, Assemblymen Freiman, Stanley, Tully, Assemblywomen Swain, Lopez, Lampitt and Assemblyman Calabrese

SYNOPSIS

Suspends fines for certain first-time paperwork violations committed by small businesses.

CURRENT VERSION OF TEXT

As reported by the Assembly Commerce and Economic Development Committee with technical review.



(Sponsorship Updated As Of: 12/2/2021)

1 **AN ACT** suspending fines for certain first-time paperwork violations
2 committed by small businesses and supplementing Title 52 of the
3 Revised Statutes.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. a. For any small business that commits a paperwork
9 violation of a requirement regarding the collection of information
10 by a State agency or regulatory authority, the State agency or
11 regulatory authority shall suspend any administrative fine or civil
12 penalty to be assessed against a business for the violation, if the
13 paperwork violation is a first-time offense, unless the State agency
14 or authority determines:

15 (1) the violation has the potential to cause serious harm to the
16 public interest;

17 (2) failure to impose a fine or penalty would impede or interfere
18 with the detection of criminal activity;

19 (3) the violation is a violation of a law concerning the
20 assessment or collection of any tax, debt, revenue, or receipt;

21 (4) the violation was not corrected on or before the date that is
22 six months after the date on which the small business receives
23 notification of the violation in writing from the agency or authority;
24 or

25 (5) except as provided in subsection b. of this section, the
26 violation presents a danger to the public safety.

27 b. If a State agency or regulatory authority makes a
28 determination that a violation committed by a small business
29 presents a danger to public safety, the agency or authority shall
30 have the discretion to determine whether the imposition of a fine or
31 penalty is appropriate if the violation is corrected not later than 24
32 hours after the receipt by the owner of the small business of
33 notification of the violation in writing.

34 In determining whether to allow a small business 24 hours to
35 correct a violation under this subsection, the agency or regulatory
36 authority shall take into account all of the facts and circumstances
37 regarding the violation, including:

38 (1) the nature and seriousness of the violation, including
39 whether the violation is technical or inadvertent or involves willful
40 or criminal conduct;

41 (2) whether the small business has made a good faith effort to
42 comply with applicable laws and to remedy the violation within the
43 shortest practicable period of time; and

44 (3) whether the small business has obtained a significant
45 economic benefit from the violation.

46 c. As used in this act, “small business” means a business entity
47 that employs not more than 50 full-time employees or the
48 equivalent thereof and qualifies as a small business concern within

- 1 the meaning of the federal “Small Business Act,” Pub.L.85-536 (15
2 U.S.C. s.631 et seq.).
- 3 d. This act shall not apply to any violation by a small business
4 of a requirement regarding collection of information by a State
5 agency or regulatory authority if the small business previously
6 violated any requirement regarding collection of information by the
7 agency or authority.
- 8 For purposes of making a determination under this subsection,
9 the State agency or regulatory authority shall not take into account
10 any violation of a requirement regarding collection of information
11 by another agency or regulatory authority.
- 12 e. A State agency or authority shall adopt rules and regulations
13 pursuant to the “Administrative Procedure Act,” P.L.1968, c.410
14 (C.52:14B-1 et seq.), as may be needed to effectuate this section.
15
- 16 2. This act shall take effect immediately.